

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED
APR 23 2001
FCC MAIL ROOM

In the Matter of)
)
Reexamination of the Comparative) MM Docket No. 95-31
Standards for Non-commercial)
Educational Applicants)
)
TO: The Full Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

Spring Arbor College (the "College"), by its attorney, hereby respectfully opposes the Petition for Reconsideration filed in this proceeding on April 17, 2001, by Michiana Christian Broadcasters, Inc. ("Michiana"). In opposition thereto, it is alleged:

1. Spring Arbor College is a venerable institution of higher learning, headquartered at Spring Arbor, Michigan. Through an affiliated, non-profit corporation, Spring Arbor College Communications, Inc., the College operates FM Broadcast Station WSAE(FM), Spring Arbor, Michigan. Station WSAE(FM) operates on the frequency 106.9 MHz in the commercial portion of the FM band.

2. In its Petition for Reconsideration, Michiana argues that all non-commercial stations, such as WSAE(FM), which operate in the commercial portion of the band, should be treated as non-commercial, educational broadcast stations, even though those stations can be converted at any time to commercial operation. The College disagrees and respectfully submits that the Commission was right in the first place, when it decided that only stations operating on

No. of Copies rec'd 0116
List A B C D E

reserved channels should be counted as non-commercial, educational stations for purposes of making a threshold Section 307(b) determination.

3. In the first place, non-commercial, educational stations normally operate in a special portion of the FM band, where the public has become accustomed to tuning for the type of programming offered by such stations. Secondly, there is no support for the proposition advanced by Michiana that simply because a non-commercial, educational station has been operating non-commercially for at least four years there is an expectancy that the station will continue to operate non-commercially for the indefinite future. To the contrary, a non-profit educational corporation has been operating Station WQEX-TV on a reserved channel in Pittsburgh, Pennsylvania, since 1958. Recently, however, as a part of a complex deal involving the prospect of receiving \$19 million, the owners of Station WQEX-TV readily agreed to have the station reclassified as a commercial facility.

4. In the case of the College, Station WSAE(FM) is both an educational tool and a financial asset. It serves the city of Jackson, Michigan, a community of substantial size. It is, therefore, very valuable.

5. Currently, the College is thriving and is pleased to operate Station WSAE(FM) non-commercially as a service to the community. If, however, there should ever be financial crisis, the College would of necessity have to commence operating the station on a commercial basis, or even, as a last resort, sell the station to a commercial operator.

6. For the above reasons, the Commission was correct when it determined not to count non-commercial stations, operating in the commercial portion of the band, as non-commercial, educational FM stations, for purposes of making threshold Section 307(b)

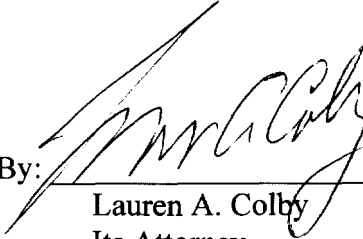
determinations. Therefore, the Commission should reaffirm its original determination.

Respectfully submitted,

April 20, 2001

SPRING ARBOR COLLEGE

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

By: 

Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 20th day of April, 2001, to the offices of the following:

Matthew H. McCormick, Esq.
Reddy, Begley & McCormick
2175 K Street, N.W.
Suite 350
Washington, D.C. 20037

Great Lakes Community Broadcasting, Inc.
P.O. Box 334
Stanwood, MI 49346

Pensacola Christian College, Inc.
P.O. Box 18000
Pensacola, FL 32523

Stephen C. Simpson, Esq.
1090 Vermont Ave., N.W.
Suite 800
Washington, D.C. 20005

Larlen Communications, Inc.
6808 Hanna Lake, S.E.
Caledonia, MI 49316


Traci Maust